

Appeal No. 203/2015
Usman Ghani

31.03.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Learned counsel for the appellant informed the Tribunal that the appellant has died. Learned Government Pleader submitted that the instant appeal has become abated. Since the appellant has died therefore, the appeal stands abated. File be consigned to the record room.

Announced:
31.03.2016

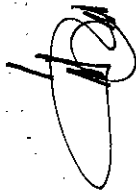

MEMBER


MEMBER

4

13.04.2015

Appellant Deposited
Security & Process Fee



Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially appointed as Junior Clerk in the office of Chairman Local Council in the year 1998 and was later on adjusted in the office of Deputy Commissioner as Junior Clerk in the year 1991 and vide order dated 28.2.2002 he was declared surplus and later on vide order dated 23.5.2005 he was adjusted as Junior Clerk in Education Department but he has not given the seniority with effect from the date of his regular appointment in the Education Department. That the appellant preferred departmental appeal on 12.10.2014 which was not responded and hence the instant service appeal on 12.2.2015.

That the appellant is entitled to seniority from the date of induction in the Education Department.

Points urged need consideration. Admit ~~to the appeal~~
Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 2.7.2015 before S.B.


Chairman

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02.07.2015

None present for appellant. M/S Javed Ahmed, Supdt. and Muhammad Hamayun, ADO alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 25.11.2015.


Chairman

25.11.2015




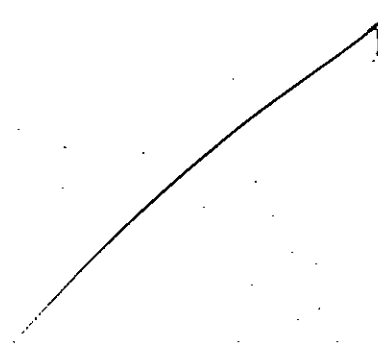
Counsel for the appellant and Mr. Muhammad Hamayun, ADO alongwith Mr. Muhammad Jan, GP for respondents present. Rejoinder submitted on behalf of the appellant which is placed on file. To come up for arguments on 31/3/16.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 203/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10.03.2015	<p>The appeal of Mr. Usman Ghani resubmitted today by Mr. Zahoor Islam Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p> <p>This case is entrusted to Bench <u>I</u> for preliminary hearing to be put up thereon <u>30-3-15</u>.</p> <p> CHAIRMAN</p>
3	30.03.2015	<p>Counsel for the appellant present. Requested for adjournment. Adjourned for preliminary hearing to 13.4.2015 before S.B.</p> <p> Chairman</p> 

The appeal of Mr. Usman Ghani son of Abdul Karim r/o Shah Qaiser Banda Tehsil Takhti Nusrati Distt. Karak received to-day i.e. on 12.02.2015 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of surplus order of appellant dated 28.2.2002 mentioned in para-3 of the memo of appeal (Annexure-C) is not attached with the appeal which may be placed on it.
- 3- Copy of impugned order/seniority list is not attached with the appeal which may be placed on it.
- 4- Annexures of the appeal may be attested.
- 5- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 186 /S.T.

Dt. 13/2 /2015

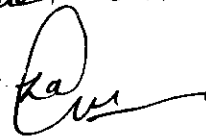

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zahoor Islam Adv. Pesh.

Answer to above objection:

Respected Sir,

- (1) Memorandum of appeal is sign by appellant and copy of seniority list mentioned in para no. 3 is also attach. But it is receive from computer and not issued to appellant by concerned education department.
- (2) As no written surplus order is issued, and only list of surplus employees is issued by department. and for that purpose extra list of surplus employee is attached and that list is attached Annex "C" along with seniority list of surplus employee. Another order dated 30-6-2003 is attached as Annexue "C".
- (3) Seniority list is attach, but it is receive from computer, but not from concern department. As department have not issued it to Appellant.
- (4) Annexure of appeal is signed by Appellant council/Advocate.
- (5) Two extra copy is provided and attached with appeal.



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No. 203 of 2015

Usman Ghani Appellant

VERSUS

The Secretary Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar and others

..... Respondents

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S.No.	Description of documents	Annexure	Pages
1.	Memo of appeal		1-4
2.	Affidavit		5
3.	Application for condonation of delay along with affidavit		6-8
4.	Copy of Service Book	"A"	9-10
5.	Copy of appointment order	"B"	11
6.	Copy of Surplus order along with seniority list of District Surplus Pool Employees	"C"	12-13
7.	Copy of adjustment orders	"D&E"	14-15
8.	Copy of representation / departmental appeal along with judgment of Hon'ble Tribunal	"F"	16-20
9.	Copy of Seniority List	"G"	21-25
10.	Wakalat Nama		In original

Dated 10/02/2015

Through

Appellant

Usman Ghani

Zahoor Islam

Advocate High Court,
Peshawar.

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No. 203 of 2015

**G.W.F. Province
Service Tribunal
Diary No. 105
Dated 12-2-2015**

Usman Ghani S/o Abdul Karim R/o Shah Qaiser Banda
Tehsil Takhti Nusrati, District Karak.

..... Appellant

VERSUS

- 1- The Secretary Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
- 2- The Director Elementary & Secondary Education
Khyber Pakhtunkhwa Karak.
- 3- The District Education Officer, Khyber
Pakhtunkhwa Karak.

..... Respondents

Filed to-day

12/2/15

12/2/15

Re-submitted to-day
and filed.

10/3/15

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974, FOR DIRECTING
THE RESPONDENTS TO GIVE THE
SENIORITY BENEFITS TO THE
APPELLANT AS PER SECTION 17(3) OF
CIVIL SERVANT (APPOINTMENT,
PROMOTION AND TRANSFER RULES 1989)
TO ISSUE AND CIRCULATE THE
SENIORITY LIST AS PER SECTION 8 (5) OF
CIVIL SERVANT ACT 1973, AND
APPELLANT SHALL BE GIVEN SENIORITY
FROM DATE OF HIS REGULAR
APPOINTMENT I.E. 01/03/1988.**

Respectfully Sheweth;

The appellant submits as under;

- 1- That appellant was appointed as a junior clerk in BPS -5 with Chairman Local Council at District Karak on 01/03.1988. (Copy of service book annexed as Annexure "A").
- 2- That appellant has taken charge in the office of Deputy Commissioner Karak as a Junior Clerk on 10/09/1991 and appellant performed his duty in the above said Office. (Copy of appointment order is annexed as Annexure "B").
- 3- That later on, on 28/02/2002 the appellant was declared as surplus. (Copy of the surplus order is annexed as Annexure "C").
- 4- That appellant remained surplus and later on adjusted as a junior Clerk on 23/05/2005 and taken charge in Govt High School, Daggar Narri District Karak. (Copy of Adjustment orders are annexed as Annexure "D&E").
- 5- That the appellant has filed departmental appeal / representation to the Secretary Elementary & Secondary Education, Peshawar 12/10/2014. (Copy representation / departmental appeal is annexed as Annexure "F")

6- That the respondents have remained silent and give deaf ear to the representation of the appellant.

7- The appellant feeling aggrieved from the order of respondents and have no other adequate remedy to approach this Hon'ble Tribunal on the following grounds amongst others:

Grounds:

A- That appellant are serving for more than 27 years as a junior clerk and neglected his seniority is against the law and fact, principle of equity and natural justice.

B- That appellant is kept at the bottom in the education department although the rules 17 (3) favours the appellant that the seniority must be given from the date of his regular appointment.

C- That there is clear law if a person is transferred within District then their will be no affect in his seniority but if he is transferred to another District then his seniority will be affected.

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D- That fundamental right of the appellant is attached to it, because all other employees have given seniority.


E- That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is, therefore, humbly prayed that on acceptance of this appeal seniority of the appellant may be given from date of his regular appointment and fresh seniority list may be circulated by the department concerned, in which appellant may be given his due seniority with all back benefits.

Dated 10/02/2015


Appellant
Usman Ghani

Through


Zahoor Islam
Advocate High Court,
Peshawar.

(S) (6)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No. _____ of 2015

Usman Ghani Appellant

VERSUS

The Secretary Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar and others
..... Respondents

**APPLICATION FOR CONDONATION
OF DELAY IF ANY.**

Respected Sir.

- 1) That the appellant is filed an appeal before this Hon'ble Tribunal in which no date is fixed for hearing.
- 2) That appellant have approached to the Hon'ble Peshawar High Court Bannu Bench to hire a counsel there, but the counsel without filing writ petition returned the documents in order to file appeal in proper forum i.e. in Service Tribunal.
- 3) That the delay of the appellant was not deliberate but due the fact that service tribunal was not in function and that's why

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the petitioner / appellant approached
Peshawar High Court, Bannu Bench.

- 4) That there is no restriction on condonation by the Court or tribunal in the interest of justice the case is to be decided on merit instead of technicalities.

It is, therefore, requested that the delay may please be condoned if any please.

Dated 10/02/2015

Appellant
Usman Ghani



Through



**Zahoor Islam
Advocate High Court,
Peshawar.**

(A) (8)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No. _____ of 2015

Usman Ghani **Appellant**

VERSUS

*The Secretary Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar and others*

..... **Respondents**

AFFIDAVIT

I, Usman Ghani S/o Abdul Karim R/o Shah
Qaiser Banda Tehsil Takhti Nusrati, District Karak do
hereby solemnly affirm and declare on oath that the
contents of the accompanied application are true and
correct to the best of my knowledge and belief and
nothing has been concealed from this Hon'ble Tribunal.



U Ghani

DEPONENT

CNIC # 14203-2046775-1

Usman Ghani Annex (A)
 Pakistani + Islam

Name (نام).....
 Nationality and Religion (قومیت اور مذہب).....
 Residence (مستقل رہائش).....
 Father's name and residence (والد کا نام اور رہت).....
 Date of birth by Christian era as early as can be ascertained (تاریخ پیدائش مطابق سن عیسوی).....
 Exact height by measurement (قد و قامت).....
 Personal mark for identification (نشان شناخت).....

vill: Shah Qaiser Banda, P.
 Bogara Teh: & Dist: Karak
 Abdul Karim (as above)

03-10-1969

Wounded mark on left.

Left hand/right hand thumb and finger-impressions of (Non-gazetted) officer (مرد کی صورت میں ہائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشان)

Little Finger (چوٹکیا)



Ring Finger (چوٹکیا کے ساتھ کی انگلی)



Middle Finger (تبیانہ)



Fore Finger (انگشت شہادت)



Thumb (انگوٹھا)



Signature of Government servant (سرکاری ملازم کے دستخط)

Signature of Usman Ghani

Signature and designation of the Head of the Office, or other Attesting Officer (تصدیق کنندہ افسر کے دستخط اور نمبر)

CHAIRMAN
 District Council
 Karak

The entries in this page should be renewed or re-attested at least every five years and the signature in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule. اس صفحہ کے مندرجات کم از کم ہر پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر ہونی چاہئے۔ انگلیوں کے نشانوں کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

Attested as a true copy

Signature of the attesting officer

1	2	3	4		5		6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	Pay in substantive position		Additional pay for officiating		Other emoluments falling under the term "pay"	Date of appointment	Signature of Government servant in position	Date of termination
دوچہ ملازمت	عارضی / مستقل یا لایم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پنشن کا مستحق ہے؟	Rs.	Ps.	Rs.	Ps.	مساوائے تنتہواہ دیگر الائیس	تاریخ تقرری	دستخط کاری ملازم	تاریخ تنتہواہ
B-5 (700-25-1200) Junior clerk Office of Chairman Distt: Council Karak	Offg. / Temp.		700/-					01/3/1988	[Signature]	
do	do		725/-					01/12/88	[Signature]	
do	do		750/-					12/89	[Signature]	
do	do		775/-					12/90	[Signature]	
J/Chmn (B-5) 1035-49-770			1231/-					8-6-91	[Signature]	31
do			1427/-					11-9-91 (P.S.)	[Signature]	10
Ops-5 (1035-49-770) Junior Clerk Temporary (Estb Branch) DC's office Karak			1427/-					11/9/91	[Signature]	30/11/91

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7	8	9	10	11	12	13	14	15	16
Date of appointment	Signature of Government servant	Signature of Head of the office or other attesting officer in station columns to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc)	Signature of the Head of the office of other Attesting Officer	LEAVE Allocation of periods of leave on average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debited to another Government	Signature of the head of the office or other Attesting officer	Reference to any recorded punishment or censure, or reward or praised of the Government servant	
تاریخ تعین	دستخط سرکاری ملازم	دستخط مجاز	تاریخ انقطاع ملازمت	دوجوابات انقطاع ملازمت ترقی، تبادلہ یا برطرفی	دستخط افسر مجاز	چار ماہ تک کی رخصت کے لئے اوسط تنخواہ کا تعین Govt. to which debited گورنمنٹ جسے رقم ادا ہوگی	دستخط افسر مجاز	سزا یا جزا یا عتاب یا لاکرڈی کا ریکارڈ	
						Period عرصہ			
01/12/1988	Imam Khan	CHAIRMAN District Council Karak	30/11/88	Increment	CHAIRMAN District Council Karak			Appointed as J. Clerk (B-5 700- vide Chairman Council, Kara order issued in endst. no. 257- tek dated 12.	
12/01/88	Imam Khan	CHAIRMAN District Council Karak	30/11/87	Increment	CHAIRMAN District Council Karak			CHAIRMAN District Council Karak	
12/01/89	Imam Khan		30/11/89	Increment				Service verified waf 01-3-88 to 30 from the office of Pay bills & Service Record	
12/01/90	Imam Khan								
11-9-91 (CP)	Imam Khan		31/5/91	Revision of Pay Scale				Relieved from the Post of Junior Clerk wef 10-9-91 (AM) vide Administrator Dist. Council Karak order no 1045-47/CPK dated 10-9-91	
11-9-91	Imam Khan	Commissioner Karak	30/11/91	Annual Increment				Deputy Commiss	

Attested as a true copy

[Signature]

DEPUTY COMMISSIONER KARAK

1	2	3	4	5	6	7	8	9
Name of post	Whether subalternative or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment or (ii) whether service count for pension under rules 3.20 of C.S.M. (Pb.) volum II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	and on of ad other ng in ion nna 8	De term or e n
			Rs. P	PS. P				
BPS 5 (1035-44-1770)	فارضی، مستقل قائم مقام	اگر عارضی ہے تو کیا وہ رول کے مطابق پیش کش کا مستحق ہے	تنخواہ بلور عارضی ملازمت	زائد تنخواہ بلور قائم مقام	باسوائے تنخواہ ریگڈ الائڈش	تاریخ تقرری		
Junior Clerk Estb. Poranch Dc's office Karakoram	offg. Temp		1476/-	17		01/12/91		
do	do		1598/-	17		01/12/91		
Revised Entries								
BPS 05 (1035-44-1770)			775/-			31/5/91		
			1231/-	on previous month		6/91		
			+ 49/-	annually		91		
			1280/-					
			+ 196/-	04 Feb 1991		01/6/91		
			1476/-	PA, 24BA, 2				
BPS 05 (1035-44-1770)	فارضی، مستقل قائم مقام		1476/-	17		11/9/91		
do	do		1521/-	17		01/12/91		
do	do		1574/-	17		01/12/91		
do	do		1623/5	17		01/12/91		

(11) 8 (14) 161

OFFICE OF THE DEPUTY COMMISSIONER, KARAK Annex (B)

ORDER

Dated Karak the 10-9-1991.

No. 5/78 /D/Estb: In pursuance of the Selection/Promotion Committee meeting held on 08.9.1991, the following candidates are hereby appointed against the posts of Junior Clerk in Basic Pay Scale-5 and one posts against the posts in the office of the undersigned with immediate effect :-

S.No.	Name, & Parantage & Address.	Posted as	Remarks.
1.	Mr. Usman Ghani son of Abdul Karim r/o Shah Qaiser Banda Tehsil & Distt: Karak.	Junior Clerk Posted in the Estb: Branch.	against the newly created vacancy.
2.	Mr. Imdad Hussain s/o Bilal Hussain r/o Nashki Khel Tehsil & District, Karak.	Posted as A.D.R.A. in the main office.	-do-

TERMS AND CONDITIONS

- All the terms and conditions as provided in the Service Rules/ Instructions issued by the Govt: time to time shall be applicable to them.
- They will have to produce Health & Age certificate from the Medical Superintendent, Distt: Headquarter Hospital, Karak within a week period.
- They will be on probation for a period of two years.
- During the probation period if their work is found unsatisfactory their services will be liable for termination at any time without assigning any reasons.
- In case they wish to resign the service, 14 days notice will be necessary or in-lieu thereof payment of the notice a sum equivalent to their pay for 14 days or for the period by which the notice falls short of 14 days will be made to the Government.
- No TA/DA will be allowed on their first joining.
- Their antecedents will be verified through Local Police.

M. Imdad Hussain
DEPUTY COMMISSIONER
KARAK

No. _____ /D/Estb: Dated Karak the _____ /1991.

Copies forwarded to the :-

- Secretary, Board of Revenue, NWFP, Peshawar.
- Commissioner, Kohat Division, Kohat.
- Assistant Commissioners, Karak/B.D.Shah.
- District Accounts Officer, Karak.
- Administrator, District Council, Karak w/r to his No. _____ /D/Estb dated 5.8 /1991. You are requested to relieve Mr. Usman Ghani Junior Clerk immediately.
- Officials concerned.
- Office copy.

Imdad
DEPUTY COMMISSIONER
KARAK

Attached as a four copy

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Annex (C)

LIST OF SURPLUS EMPLOYEES OF KARAK DISTRICT IN THE DISTRICT SURPLUS POOL AS STOOD ON 30-06-2003

P-111

S.#	NAME OF OFFICIAL	DEPARTMENT	DESIGNATION	BPS	DATE OF BIRTH	DI OF APPTT: TO PRESENT POST	DOM:	QUALFN:	REMARKS
1	Mujahid Khan	LG&RDD	SSSG	15	11/4/1963	20/11/1982	Karak	M.A	
2	Muhammad Saddique	Magistracy	S/Clerk	07	1/1/1955	26/12/1990	Karak	SSC	
3	Muhammad Hussain	-do-	-do-	07	2-12/1944	30/5/1995	-do-	SSC	
4	Moheet Khan	Co-Operative	Sub: Insp:	05	8/1/1962	2/1/1986	-do-	-	
5	Sher Andaz	-do-	J/Clerk	05	2/3/1969	18/9/1988	-do-	B.A	
6	Usman Ghani	Magistracy	-do-	05	3/10/1969	1/3/1988	-do-	B.A	
7	Ismail Zabih Ullah	Co-Operative	-do-	05	3/1/1972	12/11/1991	-do-	F.A	
8	Mehboob Rehman	Education	-do-	05	5/5/1972	22/8/1992	-do-	SSC	
9	Salib Zada	Magistracy	-do-	05	10/8/1974	7/10/1992	-do-	B.A	
10	Ijaz Khan	-do-	-do-	05	17/12/1970	7/10/1992	-do-	F.Sc	
11	Shah	-do-	-do-	05	2/1/1963	17/3/1993	-do-	SSC	
12	Zaman	C&W	-do-	05	3/3/1974	13/3/1995	-do-	F.A	
13	Lal Nar Khan	Magistracy	-do-	05	9/2/1966	1/6/1995	-do-	SSC	
14	Shereen Gul	-do-	-do-	05	1/1/1971	1/6/1995	-do-	F.A	
15	Sharif Ullah	-do-	-do-	05	7/3/1975	1/6/1995	-do-	F.A	
16	Sar Muhammad	-do-	-do-	05	13/1/1967	1/6/1995	-do-	B.A	
17	Akhtar Ajab	-do-	-do-	05	01/03/1971	01/06/95	-do-	F.A	
18	Ishfaq Ahmed	-do-	-do-	05	18/5/1975	1/6/1995	-do-	F.A	
19	Abid ur Rehman	-do-	-do-	05	1/2/1973	1/6/1995	-do-	F.A	
20	Bashir Ahmed	-do-	-do-	05	11/2/1969	1/6/1995	-do-	F.A	
21	Muhammad Ajmal	-do-	-do-	05	7/10/1972	5/7/1995	-do-	F.A	
22	Abdul Nabi	-do-	-do-	05	2/4/1970	5/7/1995	-do-	B.A	Adjusted at Hangu but not yet reported for duty
23	Sajjid Pervaz	-do-	-do-	05	1/8/1973	11/1/1996	-do-	F.A	
	Azhar Mehmood	-do-	-do-	05	-	30/9/1996	-do-	M.A	
	Moeen Ullah	-do-	-do-	05	13/9/1959	30/6/1996	-do-	SSC	
	Ismail Shah	-do-	-do-	05	7/3/1965	30/6/1996	-do-	SSC	

AHest...
true copy
Karak

District Coordination officer
Karak

15

13

12

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Annex (C)

SENIORITY LIST OF DISTRICT SURPLUS POOL EMPLOYEES DISTRICT KARAK AS STOOD ON 28-2-2002.

S.No	Name & Designation	BPS	Date of Ist entry into service	Date of Reg: Apptt: to the present Grade	Department from where surplus
1	Mujahid Khan SSSG	15	20-11-82	20-11-82	LG & RDD
2	Muhammad Saddiq SC	7	21-10-79	26-12-90	D>C Office, KK
3	Muhammad Hussain SC	7	5-7-82	30-5-95	-do-
4	Jaffar Shah Miller	7	3-10-85	3-10-85	PHED, KK
5	Muhammad Rahim Turner	7	27-7-87	27-7-87	-do-
6	Farid ud Din JC	5	20-1-88	20-1-88	DC Office, KK
7	Sher Andaz JC	5	18-9-88	18-9-88	Co-operative
8	Usman Ghani JC	5	1-3-88	11-9-91	DC Office KK
9	Munir Hassan JC	5	11-9-91	11-9-91	-do-
10	Ismail Zabi Ullah JC	5	12-11-91	12-11-91	Co-Operative
11	Sahib Zada JC	5	7-10-92	7-10-92	DC Office, KK
12	Dam Saz Khan JC	5	-do-	-do-	-do-
13	Masroor Khan JC	5	-do-	-do-	-do-
14	Zahir Shah JC	5	4-10-85	17-3-93	-do-
15	Riaz Ahmad JC	5	20-3-93	20-3-93	Forest Deptt:
16	Akhtar Zaman JC	5	13-3-95	13-3-95	C&W Deptt:
17	Lal Mar Khan JC	5	1-6-95	1-6-95	DC Office, KK
18	Shareen Gul JC	5	1-6-95	1-6-95	-do-
19	Sharif Ullah JC	5	1-6-95	1-6-95	-do-
20	Sar Muhammad JC	5	-do-	-do-	-do-
21	Akhtar Ajab JC	5	-do-	-do-	-do-
22	Ishfaq Ahmad JC	5	30-10-94	1-6-95	-do-
23	Abid Rehman JC	5	8-8-94	1-6-95	-do-
24	Bashir Ahmad JC	5	1-6-95	1-6-95	-do-
25	Muhammad Ajmal JC	5	5-7-95	5-7-95	-do-
26	Abdul Nabi JC	5	-do-	-do-	-do-
27	Sajjid Pervaz JC	5	11-1-96	11-1-96	-do-
28	Azhar Mehmood JC	5	30-9-96	30-9-96	-do-
29	Moeen Ullah JC	5	27-7-82	-	-do-
30	Ismail Shah JC	5	20-6-84	-	-do-
31	Sultan Ghani B/Fitter	5	3-9-93	3-9-93	Agri: Engr:
32	Zafar Iqbal Constb:	5	16-10-99	16-10-99	E& T
33	Ali Khan D/Greaser	1	12-9-88	12-9-88	Agri: Engr:
34	Amin Ullah -do-	1	19-7-90	19-7-90	-do-
35	Sher Ahmad Mali	1	1-12-90	1-12-90	V.T.C
36	Asal Khan N/Qasid	1	7-10-92	7-10-92	-do-
37	Misbah ud Din Chowkidar	1	11-6-99	11-6-99	-do-

Attested as
a true copy
[Signature]

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Annex (D)

OFFICE OF THE EXECUTIVE DISTT: OFFICER S&L KARAK.

ADJUSTMENT.

Mr. Usman Ghani J/C surplus one as his services placed on the disposal of the undersigned by the District Coordination Officer, Karak vide his No. 1167 dated 13-5-2005 is hereby adjusted on his own pay at GHS Dagger Nari against vacant Post.

- Note:-
1. No TA/DA is allowed to him.
 2. Charge reports should be submitted to all concerned.

(MOHAMMAD RAFIQ KHATTAK)
EXECUTIVE DISTT: OFFICER S&L KARAK.

Endst: No. 8665-67 / Dated Karak the 15-6-2005.

Copy forwarded to:-

1. The District Coordination Officer Karak for information please.
2. The Headmaster, GHS Dagger Nari with the remarks that he may handed over charge w.e.f 1-6-2005 for the purpose of drawl of
3. The Clerk concerned.
4. The DAO Karak.

EXECUTIVE DISTT: OFFICER S&L KARAK.


Attested as a true copy

[Signature]

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CHARGE REPORT.

In compliance of the Executive District Officer, Schools and Literacy Karak. order No. 9665-63 dated 15/6/2005 the official concerned made his arrival to the GHS Dagar Nari on 16/6/2005 (b.n) and took his charge of his duty.


(Usman Ghani)
Junior Clerk
GHS Dagar Nari
Karak.


OFFICE OF THE HEADMASTER, GOVT. HIGH SCHOOL DAGAR NARI

No. 1668-69

Dated 16/6/2005.

1. Copy of the above forwarded to the Executive District Officer, School and Literacy Karak for information please.

2 - D.A.O. Karak


HEAD MASTER
GOVT. HIGH SCHOOL
DAGAR NARI, KARAK.

Attested as a true copy



(16) (18)

Annex 6F

جناب سیکرٹری قلم تعلیم ضلع چٹوڑ خواہ پٹا اور

عنوان درخواست برادری سپیڈی لسٹ ڈسٹرکٹ

جناب عالی

کہ ارش ہے کہ سال 16 جون 2005 سے قبل قلم میں ایڈجسٹ

ہو چکے اور اس سے قبل ڈپٹی کمشنر انسپشن میں بطور جوئیننگ 1-3-1988 سے خدمات سر انجام دے رہے تھے۔ جبکہ 2007 سے ڈپٹی کمشنر انسپشن کر دیئے گئے تو ہم کو ماضی قرار پارٹیکل قلم میں ایڈجسٹ کر دیئے اور 16 جون 2007 سے خدمات سر انجام دے رہے ہیں۔

ادراپ سپیڈی لسٹ میں ایڈجسٹ کر دیئے اور 16 جون 2007 سے سپیڈی لسٹ میں شامل کیئے ہیں۔ لیکن اس کے برعکس سرورس ٹریبونل ضلع چٹوڑ خواہ پٹا میں نوٹیفکیشن کی ایک فہرست مورخہ 30/7/2008 کو صادر فرمائی ہے۔ فوٹو سٹیٹ مائل لف میں اور جس روز نوٹیفکیشن فیڈ کیا ہے وہ بھی ایس کے ہمراہ ہے۔ میں و ایلج کیا ہے۔

(Civil Servant Appointment, Promotion & Transfer Rule 1989 (17(3))

(3) In the event of merger/restructuring of the department, attached dept. or subordinate office the inter se seniority of the civil servant affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to the Cadre or post.)

لہذا عرض ہے کہ مندرجہ بالا فیصلہ / نوٹیفکیشن مورخہ 30/7/2008 سے 1-3-1988 سے 1-3-1988 سے سابق ڈپٹی کمشنر انسپشن کے ساتھ ڈپٹی کمشنر انسپشن مورخہ 1-3-1988 سے دی جاوے اور منسلک فہرست کو سپیڈی لسٹ میں 1-3-1988 درستی کے مطابق فرمایا جاوے۔

Attested as a true copy

12/10/2014

امام
12/10/2014
ایسا سرورس ٹریبونل

ایسا سرورس ٹریبونل

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Appeal No. 961/2007.

Date of institution - 14.09.2007

Date of decision - 30.07.2008

Akbar Ali, Junior Clerk, Office of the Additional Govt. Pleader NWFP, Peshawar..... (Appellant).

VERSUS

- 1. The Secretary law & Parliamentary Affairs, NWFP, Peshawar.
- 2. The District Coordination Officer, NWFP, Peshawar.
- 3. The Additional Govt. Pleader Peshawar..... (Respondents)

Appeal under Section 4 of the Service Tribunals Act 1974 for directing the respondents to give the seniority benefits to the appellant as per 17 (3) of the Civil Servants (Appointment, Promotion & Transfer) Rules 1989 to issue and circulate the seniority list as per Section 8 (5) of Civil Servant Act 1973 and against not taking action on the departmental appeal of the appellant within 90 days.

Mr. M. Asif Mousafzai, Advocate For appellant.
Mr. Tahir Iqbal, A.G.P. For respondents.

Mr. NOOR-UL-HAQ MEMBER.
Mr. SULTAN MAHMOOD KHATVAK MEMBER.

JUDGMENT

NOOR-UL-HAQ, MEMBER: - This appeal has been filed by the appellant under Section 4 of the Service Tribunals Act 1974 for directing the respondents to give the seniority benefits to the appellant as per rule 17 (3) of Civil Servants, (Appointment, Promotion & Transfer) Rules, 1989 to

and circulate the seniority list as per Rule 8 (5) of Civil Servants Act, 1973 and against not taking action on the departmental appeal of the appellant within 90 days. He has prayed that on acceptance of this appeal the respondents may be directed to give the seniority benefits to the appellant as per Section 8 (5) of the Civil Servant Act 1973.

2. Brief facts of the case are that the appellant was appointed as Junior Clerk in the office of Cooperative Department on 11.6.1987. Due to restructuring of the Cooperative Department, the appellant was declared surplus alongwith other officials of the Cooperative Department on 13.7.2002. On 22.7.2005 the appellant was adjusted in the office of Government Pleader NWFP Peshawar. Since the adjustment of appellant, the respondent Department has not officially circulated any seniority list of Junior Clerk and making promotion from a list, which ultimately affects the rights of seniority and promotion of the appellant. The appellant preferred a Department appeal for his claim and waited for 90 days but no reply has been received so far. Hence, the instant appeal.

3. The respondents were summoned. They appeared through their representatives, submitted written reply, contested the appeal and denied the claim of the appellant.

4. Arguments heard and record perused.

5. The learned counsel for the appellant contended that not granting seniority and circulating the seniority list as per Section 17 (3) of the Civil Servants (Appointment, Promotion and Transfer) Rules 1989 and rule 8 (5)

M/RC/11/2005
 M/RC/11/2005

Civil Servants Act 1973 is against law, facts, natural justice and material on record, therefore, not tenable. The appellant was declared surplus due to restructuring of Co-operative Deptt: therefore, seniority from the first date of appointment under Section 17 (3) of Civil Servants (Appointment, Promotion & Transfer) Rules 1989 is the legal rights of the appellant. The respondents are legally bound to issue and circulate the seniority list under Section 8 (5) of Civil Servant Act 1973 but by not doing so, the respondents have violated the basic law. The respondents have been promoting various officials from a list kept by them, not officially circulated which ultimately affects the rights of seniority and promotion of the appellant. The appellant has not been dealt with in accordance with law and rules. He prayed that on acceptance of this appeal the respondents may be directed to give the seniority benefits to the appellant as per Section 8 (5) of the Civil Servant Act 1973.

6. The learned AGP contended that the appellant was declared surplus. After his adjustment in the respondent Department he was rightly placed at the bottom of the seniority list under the prevalent law and Surplus Pool Policy. As the appellant was declared surplus, Rule 17 (3) of the NWFP Civil Servants (Appointment, promotion and Transfer) Rules, 1989 is not applicable to his case. It is not lawful to grant him seniority in the respondent department from the date of his first regular appointment because he was adjusted in the respondent Department as a surplus pool employee of Co-operative Department. Respondent No.1 had already

issued/circulated the seniority list. The appellant has been dealt with according to law. He prayed that appeal of the appellant be dismissed.

7. After hearing arguments pro and contra, the Tribunal while agreeing with the arguments put forth by the learned counsel for the appellant, observes that the respondent department has not issued the seniority list of the cadre of the appellant according to Section 3 (5) of Civil Servants Act, 1973, which is the mandatory provision for causing the seniority list. The order dated 18.7.2002 clearly shows that the Cooperative Department was re-structured and in the case of re-structuring the seniority should be drawn according to Rule 17 (3) of Civil Servants (Appointment, Promotion and Transfer Rules) 1989. The case is therefore, remanded to the respondent department to issue seniority list, including the name of appellant as per above observations of the Tribunal. The respondent department is directed to complete all these process within a period of sixty days of the receipt of this judgement. No order as to costs. File be consigned to the record.

ANNOUNCED.
30.07.2008.

[Signature]
(SULTAN MAHMOOD KHATTAK)
MEMBER.

[Signature]
(NOOR-UL-HAQ)
MEMBER.

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Annex ⁶⁶ G ⁹⁹ (21)

Tentative Seniority List of J/Clerks/Asstt S/Keeper/Lab. Asstt: in E&SE, DCTE, FATA & PITE Khyber Pakhtunkhwa corrected upto 30.9.2013.

S.#	Name	Father's Name	Desig	Domicile	Date of Birth	Date of 1st apptt in E&SE deptt	D/O Apptt as JC, ASK, LA	Present place of posting	Remarks
1	Showkat Hayat	Nasir Ali Khan	J/Clerk	Karak	15-Apr-54	4-Jun-73	4-Jun-73	GHS, Khojaki Killa	
2	Fazalur Rehman	Muhammad Afzal	J/Clerk	Abbottabad	21-Feb-54	29-May-75	29-May-75	GHS Chando Maira	
3	GHULAM FARID	GHULAM RASOOL	J/Clerk	DIK	6-Jan-58	1-Jul-76	1-Jul-76	GHS DHAP SHOUMALI	
4	Chan Shah	Fazal Hussain	J/Clerk		8-Oct-58	21-Oct-76	21-Oct-76	GHS Spinkai SWA	
5	Muhammad Rafoq	Ahmad yar	J/Clerk		8-Oct-58	22-Mar-77	22-Mar-77	GHS Shaboor SWA	
6	Muhammad Younis	Mehr Din	J/Clerk	Abbottabad	28-Dec-53	25-Jul-77	25-Jul-77	GHS Chamiali	
7	Habibullah	Awaz Khan	J/Clerk		6-May-58	31-Oct-78	31-Oct-78	GHS karikot SWA	
8	Jandullah Khan	Gul Sher Khan	J/Clerk	Chitral	15-Aug-57	29-Nov-78	29-Nov-78	GHSS: Shahgram	
9	PARVAIZ ALAM	UMAR DRAZ	J/Clerk	DIK	8-Nov-57	1-Feb-79	1-Feb-79	GHS RANG PUR SHOUMALI	
10	Muhammad Rafiq	Mohammad Yousif	J/Clerk	Haripur.	20-Jun-56	1-Apr-79	1-Apr-79	GHS KTS Sec.No.4 Haripur	
11	AHMAD KHAN	GUL MUHAMMAD	J/Clerk	DIK	15-Mar-61	5-May-79	5-May-79	GHS RATTI KULACHI DIK	
12	Mehar Ullah	Mian Usman	J/Clerk	Tank	1-Jun-54	31-May-79	31-May-79	Tank	
13	MUHAMMAD BASHIR	MUMTAZ KHAN	J/Clerk	LAKKI	18.09.55	12-Jan-80	12-Jan-80	GHS ZAFAR MAMA KHEL	
14	Zahidullah	Merajan Shah	J/Clerk		25-Dec-54	31-Mar-80	31-Mar-80	GHS Wana SWA	
15	Rahman Ullah	Dawa Khan	J/Clerk	Dir Lower	1-May-57		1-Jun-80	GHS Bagh Dush Khel	
16	SHAFI ULLA	SAIF ULLAH KHAN	J/Clerk	LAKKI	05.08.58	3-Aug-80	3-Aug-80	GHS BEGU KHEL	
17	Sultan Perviz	Abdul Mayeen Mian	J/Clerk	Shangla	3-Mar-58	4-May-80	4-Sep-80	GHS Lilownai	
18	Muhammad Faheem	Abdul Wasia Khan	J/Clerk	Karak	20-Sep-57	4-Sep-80	4-Sep-80	GHS, Teri	
19	Sultani Room	Hazrar Umar	J/Clerk	Dir Lower	1-Apr-57		8-Oct-80	GGHS Mian Brangola	
20	Dilawar Khan	Lai Khan	J/Clerk	Abbottabad	9-May-58	29-Oct-80	29-Oct-80	GHSS Tajwal	
21	Muhammad Ghufan	Muhammad Dur Khan	J/Clerk	Bannu	28-Mar-60	16-Jan-81	16-Jan-81		Promotion Fargo for 03 times
22	Muhammad Hanif	Muhad: Ramzan	J/Clerk	Bannu	6-Nov-62	29-Mar-02	22-Jan-81	From DCO Office	From DCO Office
23	Muhammad Saeed	Hajat Amin	J/Clerk	Karak	2-Sep-61	10-Feb-81	10-Feb-81	GHSS, Shah Salim	
24	Muhammad Azeem	Muhammad Yassen	J/Clerk	Shangla	15-Sep-54	20-Mar-81	20-Mar-81	GHS Damorai	
25	Sirajud Din	Syed Akbar	J/Clerk	Chitral	5-Apr-59	16-Apr-81	16-Apr-81	GHS: Ashirate	
26	NAIMAT ULLAH	SHAH BEHRAM	J/Clerk	DIK	10-Feb-60	17-Sep-81	17-Sep-81	GHS GARA MUHABBAT DIK	
27	Muhammad Hanif	Mughal Khan	J/Clerk	Abbottabad	20-Sep-58	5-Oct-81	5-Oct-81	GHS Chamhatti	
28	Yousaf Shah	Midrarul Haq	J/Clerk	Swat	10-Feb-68	21-Oct-81	21-Oct-81	GHS Qambar	
29	Muhammad Umer Khan	Abdul Muhammad	J/Clerk	Karak	2-Feb-63	1-Nov-81	1-Nov-81	GHSS, Jahangeri Banda	
30	Syed Wali Khan	Boolek Khan	J/Clerk	Chitral	4-Feb-57	19-Nov-81	19-Nov-81	GHS: Warijun	
31	M/Zul Zareen	Muhammad Miskeen	J/Clerk	Abbottabad	9-May-64	24-Dec-81	24-Dec-81	GHS Kanthiali	

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135	Faiz Mohammad	Zaristan	J/Clerk	Swabi	3-Feb-61	12-Nov-87	12-Nov-87	GHS Sheikh Jana	
136	Muhammad Irshad	Khan Bacha	J/Clerk	Swabi	12-Oct-60	21-Nov-87	21-Nov-87	GGHS Gar Munara	
137	Zahoor Hussain	Gulab Hussain	J/Clerk		1-Jul-66	8-Dec-87	8-Dec-87	GHS Kung Alizai Kurram Agency	
138	M/IRSHAD	M/ASHRAF	J/Clerk	Pesh	4-Jan-67	9-Dec-87	9-Dec-87	GHS Manakrawo	
139	Miranshah	Muhibullah	J/Clerk	FR-Tank	9-May-68	23-Dec-87	23-Dec-87	GHS Pir Tangi FR,Tank	
140	JAMEEL KHAN	MUHAMMAD AKRAM	J/Clerk	Pesh	3-Apr-69	23-Dec-87	23-Dec-87	GGHSS UNIVERSITY	
141	SHAH NAWAZ KHAN	HAJI DANISH	J/Clerk	Pesh	25-Jan-64	26-Dec-87	26-Dec-87	GGHS Dabgari	
142	Iqbalud Din	Badshah Hazrat	J/Clerk	Dir (U)	1-May-66	27-Dec-87	27-Dec-87	Dir (U)	
143	Inam Ullah	Muhammad Nawaz Khan	J/Clerk	Dir Lower	1-Apr-67		27-Dec-87	GHS Ranai	
144	MUHAMM AMEEN	SAIFUR REMMAN	J/Clerk	Pesh	6-Apr-66	31-Dec-87	31-Dec-87	DEO PRAMARY	
145	SHAKEEL AHMED	ANWAR SHAH	J/Clerk	Pesh	1-Jan-70	1-Jan-88	1-Jan-88	GHS No/3 Peshawar Cantt	
146	Muhammad Pervez	Kala Khan	J/Clerk	Abbottabad	17-Apr-68	6-Jan-88	6-Jan-88	GHS Bodla	
147	Farid Khan	Rab Nawaz	J/Clerk		25-Jan-65	9-Jan-88	9-Jan-88	GHS Said Khan Kot SWA.	
148	Sabahat Ullah	Sahib Ullah	J/Clerk	Nowshera	10-Apr-63	14-Jan-88	14-Jan-88	GHSS, Pir Pai	
149	BAKHTIYAR AHMED	MUKHTIYAR AHMED	J/Clerk	Pesh	10-Jan-65	2-Feb-88	2-Feb-88	GHSS Garib Abad	
150	Fath/ur/Rahaman	Kharur Rahman	J/Clerk	Shangla	1-Sep-62	7-Feb-88	7-Feb-88	GHS Kuz Kana	
151	Chganzeb	Said Akbar	J/Clerk	Abbottabad	15-Mar-66	28-Feb-88	28-Feb-88	GHSS Khanispur	
152	Jehangir	Siahosh Khan	J/Clerk	Swat	1-Oct-64	1-Mar-88	1-Mar-88	GHS Tindodag	
153	Majid Ayub	M/Ayub Khan	J/Clerk	Abbottabad	15-Feb-66	1-Mar-88	1-Mar-88	GGCOM:HSS Atd	
154	Shah Hanif	Pir Gulab Shah	J/Clerk	Abbottabad	14-Oct-58	2-Mar-88	2-Mar-88	DEO (F) Office A/Abad	
155	Hamid Khan	Muhammad Ali Khan	J/Clerk	Karak	1-Feb-64	10-Mar-88	10-Mar-88	GHS Jatta Ismail Khel	
156	S/FAYAZ ALI SHAH	ALI SHAH	J/Clerk	Pesh	14-Apr-68	12-Mar-88	12-Mar-88	GHS Badaber	
157	Muhammad Shah Jehan	Khaista Gul	J/Clerk	Charsadda	14-Mar-69	12-Mar-88	12-Mar-88	GHSS Dosehra	
158	Ghulam Shahi	Gul Amin	J/Clerk	NWA	6-Feb-60	26-Mar-88	26-Mar-88	GHS Spin Wam N. W Agency	
159	Shakil Ahmad	Gul Bostan	J/Clerk	Karak	1-Apr-63	30-Dec-85	11-Apr-88	GHS, Latamber	
160	Muhammad Ismail	Muhammad Qahar	J/Clerk	Shangla	18-Apr-68	14-Apr-88	14-Apr-88	DDO (M) Primary Shangla	
161	Gustasib Ali	Mir Hayat	J/Clerk	Haripur	8-Aug-66	25-Apr-88	25-Apr-88	GGHS Siriya, Haripur/	
162	Aurangzeb Khan	Sikandar Khan	J/Clerk	Abbottabad	7-Jan-66	2-May-88	2-May-88	GHS Sheikhulbandi	
163	Maroof Shah	Waris Shah	J/Clerk	Haripur.	20-Apr-64	7-May-88	7-May-88	GHS Dehri Niqarchian Haripur	
164	Shah Par Ali Khan	Amir Khan	J/Clerk	Bannu	9-Oct-65	12-May-88	12-May-88	Promotion Fargo for 03 times	
165	Khitab Gul	Sardar Khan	J/Clerk		18-Feb-66	25-May-88	25-May-88	GHS Taj Mohammad Kot N. W Agency	
166	Muhammad Tahir	Khan Bahadar	Lab Asstt	Mardan	7-Mar-69	29-May-88	29-May-88	GHSS,Takht Bhai	
167	M/WASEEM	GHULAM MURTAZA	J/Clerk	Pesh	13-Apr-64	5-Jun-88	5-Jun-88	E/D/O (S&L) Peshawar	

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2018	Shamroz Khan	Hayat Khan	J/Clerk	Haripur	1-Mar-80	17-Dec-05	17-Dec-05	GHS Gali Amazai Haripur	
2019	Imran Shah	Farman Shah	J/Clerk	Haripur.	7-Oct-74	18-Dec-05	18-Dec-05	GHS Ghazi Haripur	
2020	R .Nazar Abbas	R. Abdul Aziz	J/Clerk	Haripur.	8-Nov-81	18-Dec-05	18-Dec-05	GHS Garm Thoon Haripur	
2021	Muhammad Fazal	Sakhi Muhammad	J/Clerk	Haripur	25-Dec-74	19-Dec-05	19-Dec-05	GGHS Kalanjar Haripur/	
2022	Anwar Zeb	Qalandar Khan	J/Clerk	Haripur.	1-Jan-75	19-Dec-05	19-Dec-05	GHS AlooIi Haripur	
2023	Sajid Rehman Khan	Sher Aman Khan	J/Clerk	Haripur	9-Oct-77	19-Dec-05	19-Dec-05	GGHS Noordi, Haripur/	
2024	Khan Nawaz Khan	Idrees Khan	J/Clerk	Haripur	26-Mar-81	19-Dec-05	19-Dec-05	GCMHS TT Ship Haripur	
2025	Ishtiaq Ahmed	Fazal ur Rehman	J/Clerk	Haripur	13-Mar-85	23-Dec-05	23-Dec-05	GGHSS Khanpur, Haripur/	
2026	Mohammad Asif J/C	Gul Sher	J/Clerk	Mardan	5-Jan-79	26-Dec-05	26-Dec-05	GGHS G/I/Zai	
2027	Akbar Khan	Khurasan	J/Clerk	Lakki Marwat	2-Apr-70	31-Dec-05	31-Dec-05		
2028	Nek Bahader	Khan Bahader	J/Clerk	Bannu	24-Jun-73	3-Jan-06	3-Jan-06	Adjsted from Surplus pool w/e/f/1/6/2007	
2029	Sohail Afzal	Muhammad Afzal	J/Clerk	Karak	30-Apr-69	7-Jul-87	14-Jan-06	GGHS Dabb	
2030	ALI RAHMAN	WASIYAT KHAN	J/Clerk	MALAKAND	13-Feb-69	15-Jan-06	15-Jan-06	Malakand	
2031	Muhammad Ikram	Muhammad Imran	J/Clerk	Mansehra	1-Apr-66	13-Jan-91	1-Feb-06	DEO(M)Mansehra	
2032	Zahir Shah	Abdul Sitar Shah	J/Clerk	Mansehra	10-Apr-85	2-Feb-06	2-Feb-06	GHS Malookra	
2033	Muhammat Mushtaq	Muhammad Ayyaz	J/Clerk	HARIPUR	12-Mar-86	10-Feb-06	10-Feb-06	HARIPUR	
2034	Syed Iran Ghazi	Syed Ghazi Shah	J/Clerk	HARIPUR	3-Sep-73	16-Feb-06	16-Feb-06	HARIPUR	
2035	Sultan Zeb	Buzarg Muhammad	Lab Asstt	Dir Lower	05/11/1977	1-Mar-06	1-Mar-06		
2036	Tariq Mahmood	Taj Muhammad	Lab Asstt	Dir Lower	16/10/1981	2-Mar-06	2-Mar-06		
2037	Asghar Hussain	Muhammad Saleem Khan	Lab Asstt	Dir Lower	16/03/1986	21-Mar-06	21-Mar-06		
2038	Sajjad Akhtar J/C	Fazal Nabi	J/Clerk	Mardan	27-Feb-67	1-Dec-90	1-Apr-06	GGHS Toru	
2039	Zakir Ullah	Alamgir Khan	J/Clerk	Dir Lower	1-Feb-87		1-Apr-06	GGHS Damtal	
2040	Maqsood Ur Rahman	Lutfur Rahman	Lab Asstt	Dir Lower	18/06/1979	6-Apr-06	6-Apr-06		
2041	Muhammad Nawaz	Mehmood	J/Clerk	D/I/K	10-Jan-72	7-Apr-06	7-Apr-06	GGHSS Musa Zai Sharif	
2042	Ali Asghar	Ali Bahadur	J/Clerk	D/I/K	13-Mar-81	8-Apr-06	8-Apr-06	SDEO (F) DiKhan	
2043	Qazi Abdul Munaeem	Muhammad Tahir	J/Clerk	Dir Lower	15-Apr-83		8-Apr-06	SDEO (F) Samar Bagh	
2044	Wiqas Ahmad	Aurang Zaib	J/Clerk	Mansehra	4-Aug-88	15-Apr-06	15-Apr-06	GGHS Ghanool.	
2045	Asmatullah Shah	Syed Nuran	J/Clerk	Bannu	16-Aug-66	17-Apr-06	17-Apr-06	Adjsted from Surplus pool w/e/f/09/06/2005	
2046	Mehmood Ali shah	Said Kamal	Lab Asstt	Mardan	15-Mar-94	24-Apr-06	24-Apr-06	GHSS, Pir Saddi	
2047	Naik Amal Shah	Mehraban Shah	Lab Asstt	Mardan	1-Mar-85	5-May-06	5-May-06	GHSS, Chamtar	
2048	Shahab Ali	Ali Muhammad	J/Clerk	Mardan	5-Apr-81	9-May-06	9-May-06	GHS Lund Khwar	
2049	SALIMULLAH	HAZRATULLAH	J/Clerk	MALAKAND	10-Apr-83	12-May-06	12-May-06	Malakand	
2050	SHAFIQ UR RAHMAN	M/ AZIZ UR RAHMAN	Lab Asstt	MALAKAND	12-Aug-85	12-May-06	12-May-06	Malakand	
2051	Muhammad Idrees	Fazal Raziq	J/Clerk	Dir Lower	1-Jan-77		30-May-06	GHS Dairan Kashmir	
2052	Abdul Jabbar	Abdul Ghaffar	J/Clerk	Dir Lower	1-Mar-86		30-May-06	GHS Badin	
2053	Bashir Muhammad	Sher Muhammad	J/Clerk	Dir Lower	10-Mar-82		31-May-06	GHS Osakai	

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1943	Ijaz ur Rehman	Zar Wali Khan	J/Clerk	Karak	10-Apr-81	17-May-05	17-May-05	GGHS Esak Chountra	
1944	Hayder Khan	Aman Ullah	J/Clerk	Karak	20-Jan-86	17-May-05	17-May-05	GHS Sabir Abad	
1945	Haider Ullah Khan	Aman Ullah Khan	J/Clerk	Karak	20-Jan-86	17-May-05	17-May-05		
1946	Bakht Rawan	Said Jawhar	J/Clerk	BUNER	4-Feb-74	15/09/1993	20/05/2005	GCMHS Daggar	
1947	Muhammad Rahman	Abdur Rahman	J/Clerk	BUNER	6-Sep-66	17/08/1995	20/05/2005	DEO Office	
1948	Altaf Hussain	Zarbahisht	J/Clerk	BUNER	1-Jun-76	20/05/2005	20/05/2005	DDO (M) Office	
1949	Imran Khan	Sher Bahadar Khan	J/Clerk	BUNER	16/04/1982	20/05/2005	20/05/2005	GHS Jowar	
1950	Sana Gul	Bakhtiar Gul	J/Clerk	BUNER	1-Dec-75	17/07/1994	21/05/2005	GGHS Matwani	
1951	Sabir Shah	Said Abdullah Shah	J/Clerk	BUNER	2-Jan-76	20/05/2005	21/05/2005	GHS Dokada	
1952	Muhammad Imran	Muhammad Anwar	J/Clerk	BUNER	10-Apr-80	20/05/2005	21/05/2005	GGHS Bagra	
1953	Shamsul Hadi	Sahib Zada	J/Clerk	BUNER	2-Apr-81	20/05/2005	21/05/2005	GHS Hisar	
1954	Umar Hassan	Muhammad Hassan	J/Clerk	BUNER	1-Apr-86	20/05/2005	21/05/2005	GHS Daggar No/2	
1955	Wazir Zada	Sher Zada	J/Clerk	BUNER	30/04/1979	20/05/2005	22/05/2005	GHS Dewana Baba	
1956	Gohar Rahman	Noor Rahman	J/Clerk	BUNER	1-Aug-82	20/05/2005	23/05/2005	GGHS Chinglai	
1957	Sultan ullah	Said Rahman	J/Clerk	Dir (U)	19-Jun-70	28-May-05	28-May-05		
1958	Khalid Khan	Naik Mlohammad	J/Clerk	Dir (U)	1-Nov-71	28-May-05	28-May-05		
1959	Asadullah	Amanullah	J/Clerk	Dir (U)	1-Mar-72	28-May-05	28-May-05		
1960	Nasar Mohammad	Hazrat Mohammad	J/Clerk	Dir (U)	21-Mar-75	28-May-05	28-May-05		
1961	Hamidur Rahman	Sahibur Rahman	J/Clerk	Dir (U)	25-Mar-79	28-May-05	28-May-05		
1962	Masood Alam	Shamsul Islam	J/Clerk	Dir (U)	1-Jun-79	28-May-05	28-May-05		
1963	Mohiyoud Din	Sultan Salim	J/Clerk	Dir (U)	1-Sep-79	28-May-05	28-May-05		
1964	Gauher Ali	Habibur Rahman	J/Clerk	Dir (U)	1-Jan-81	28-May-05	28-May-05		
1965	Maeenud Din	Said Alam	J/Clerk	Dir (U)	1-Mar-82	28-May-05	28-May-05		
1966	Mohammad Islam	Asfandiyar Khan	J/Clerk	Dir (U)	14-Apr-82	28-May-05	28-May-05		
1967	Jamalud Din	Nizamud Din	J/Clerk	Dir (U)	14-Mar-84	28-May-05	28-May-05		
1968	Ihtishamullah	Inayatullah	J/Clerk	Dir (U)	4-Apr-84	28-May-05	28-May-05		
1969	Imranullah	Amir Badshah	J/Clerk	Dir (U)	7-Apr-84	28-May-05	28-May-05		
1970	Haider Hussain	Zakir Hussain	J/Clerk	Dir (U)	1-Mar-85	28-May-05	28-May-05		
1971	Mohammad Parvez	Gul Faraz Khan	J/Clerk	Dir (U)	10-Jun-76	29-May-05	29-May-05		
1972	Alam Zeb	Sher Zamin	J/Clerk	Dir (U)	1-Oct-84	29-May-05	29-May-05		
1973	Bidarullah	Samandar Khan	J/Clerk	Dir (U)	6-Aug-80	30-May-05	30-May-05		
1974	Sultan Nabi	Mohammad Diyar	J/Clerk	Dir (U)	1-Jan-82	30-May-05	30-May-05		
1975	Muhammad Raz Khan	Fedad Khan	J/Clerk	Dir Lower	8-Sep-77		30-May-05	GHSS Khall	
1976	Zia Ul Haq	Amir Alam Khan	J/Clerk	Dir Lower	1-Jan-80		30-May-05	GHSS Luqman Banda	
1977	Usman Ghani	Abdul Karim	J/Clerk	Karak	3-Oct-69	1-Mar-88	16-Jun-05	GGHS, Suratli Kila	
1978	Sher Zaman	Muhammad Zaman	J/Clerk	Peshawar	31-Dec-63	12-Sep-88	22-Jun-05	RITE	
1979	MUHAMMAD HUMAYOUN	ABDULLAH KHAN	J/Clerk	LAKKI	24-Apr-79	28-Jun-05	28-Jun-05	GHSS DARA PEZU	
1980	Azhar Mehmood	Nasim Ullah	J/Clerk	Karak	5-Jan-71	30-Sep-96	1-Jul-05	GGHS Jandri	

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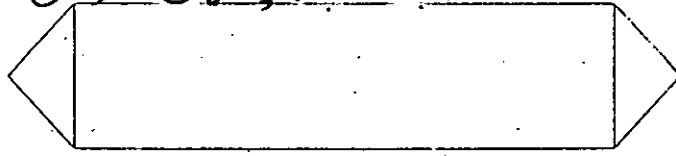
4. Director PITE, Khyber Pakhtunkhwa with the request that all the particulars of J/Clerk working under his jurisdiction be checked by his responsible officer from their service record and submit a list/appeal for correction.(If any)
5. District Education Officers (M/F) in Khyber Pakhtunkhwa with the request that all the particulars of J/Clerk working under thier jurisdiction be checked by their responsible officer from their service record and submit a list /appeal for correction.(If any)
6. Cashier Local Directorate with the request that all the particulars of J/Clerk working under thier jurisdiction be checked by their responsible officer from their service record and submit a list /appeal for correction.(If any)
7. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Dy: Director (F&A)
Directorate Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

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[Signature]

بعد الت صناد چیمبر معین لیسروس ٹریبونل لیسٹا



ادیل نمبر = 203/2015

11 فروری

2015 پنجاب

موردہ

مقدمہ

دعویٰ

جرم

عثمان غنی بنام

اپیل زیر دفعہ سیشن 4 لیسروس ٹریبونل
ڈیکریٹ 1979

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی وکل کاروائی متعلقہ
آن مقام چیمبر کے لیے طیسور اسلام آباد کا نوٹرز اور وکیل
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب وراثی نامہ کرنے و تقرر ثالث فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور اصولی چیب و ریپار غرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرائی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی واپے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچ ہر جانہ التوائے مقدمہ کے
سب سے ہوگا۔ کوئی تاریخ پیش مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھد یا کہ سندر ہے۔

عثمان غنی

2015

ماہ فروری

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المرقوم

Accepted

الع داد الع داد

کے لئے منظور ہے۔

چیمبر

مقام

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAW
PESHAWAR

Service Appeal No 203/2015

USMAN GHANI

Appellant.

VERSUS

Secretary Elementary & Secondary Education Department, Peshawar and
other. ----- Respondent

Para wise comments on behalf of respondent No. 1,2,3

Preliminary Objections.

1. That the appellant has no caus of action.
2. That the appellant has no locus standi.
3. That the appellant has suppressed / concealed some important facts from the honourable Tribunal.
4. That the appellant has not come to the Honourable Tribunal with clean hands.
5. That the appeal is bad for mis-joinder of unnecessary and joinder of necessary parties.
6. That the appeal is not entertainable and maintainable in the present form as there no final order, challenged by the appellant.
7. That the appeal is liable to be dismissed in limini.
8. That this honorable tribunal has no jurisdiction to entertain the appeal.

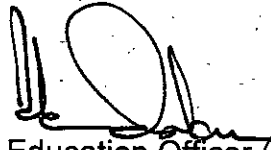
Facts

1. That para no 1pertain to record .
2. Para no 2 also pertain to record .
3. That Para No.3 is correct.
4. That Para No. 4 is correct to the extant that appellant after being declared surplus was later on adjusted in the education department and was placed at the bottom of seniority list according to policy
5. That Para No. 5 is pertain to record.
6. That Para No.6 is incorrect.
7. Incorrect.

Grounds

- A. That this ~~and~~ ground is illegal, against law facts. He has been treated in accordance with law rules and policy and not against equity and natural justice.
- B. That applicant is kept at the bottom in the seniority under existing rules policy and law.
- C. Incorrect. He was dealt according to law and policy.
- D. That fundamental right of the appellant has not suffered and he has been treated and accordance with rules and policy Govt: KPK Education Department.
- E. No comments.

PRAYER It is, therefore, most humbly prayed that the appeal may be dismissed th cost.



District Education Officer (Male)

Karak



Director

Elementary & Secondary Education

Khyber Pakhtunkhwa Peshawar.



Secretary

Elementary & Secondary Education

Khyber Pakhtunkhwa Peshawar.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No.203/2015

Usman Ghani **VERSUS** Secretary Education
& others

Appellant's Rejoinder

Respectfully Sheweth:

Preliminary objections:

The 8 preliminary objections raised by the respondents in their written statement/comments are wrong, illegal and incorrect. The appellant has a genuine cause of action and his appeal does not suffer from any formal defect whatsoever.

On facts:

1- Incorrect. Para No.1 of appeal is correct and its reply is incorrect. The appellant was declare surplus and kept him at the bottom is against law, rules and policy of Govt.

2 to 3- Needs no comments

4- That the appellant was made junior to his own juniors in his parent department as well as in education department, which is against the surplus policy and violation of rules and regulations.

5- Incorrect. That the appellant's departmental appeal is correct in all respect.

6&7- Paras No.6&7 are correct.

On grounds;

- A) Ground A of appeal is correct and its reply is incorrect.
- B) Incorrect. That appellant was deprived from his vested right of seniority which is illegal and against the principle of natural justice. Moreover, the surplus policy of the Govt is not followed accordingly.
- C) That the departmental appeal of the appellant clearly shows that Civil Servant Act of 1973 is not followed by the respondents and the Govt Surplus Policy is also against the Civil Service Act 1973.
- D) That the Ground D of the appeal is Incorrect. That fundamental right of the appellant is clearly violated.

It is, therefore, prayed that on acceptance of appeal and rejoinder, the relief as prayed for may be granted to the appellant with costs.

Dated 25/11/2015

Appellant

Through



Zahoor Islam Khattak
Advocate, Peshawar


BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No.203/2015

Usman Ghani VERSUS Secretary Education
& others

AFFIDAVIT

I, Usman Ghani Son of Abdul Karim R/o Shah Qaisar Banda Tehsil Takhti Nastrati District Karak do hereby solemnly affirm and states on oath that all contents of appeal and rejoinder are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me is the matter.

Identified By: 
Tahoor Rahman Advocate



DEPONENT

C.N.E.C. 14203-2046775-1

ATTESTED

